

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5518 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

CHANDRIKABEN CHANDRAKISHORE

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 5518 of 2004
MR PREMAL R JOSHI for Petitioner No. 1-2
GOVERNMENT PLEADER for Respondent No. 1-4
RULE SERVED BY DS for Respondent No. 5

CORAM : HON'BLE MR.JUSTICE M.R.SHAH

Date of decision: 07/07/2004

ORAL JUDGEMENT

Mr. Premal R. Joshi, learned advocate appearing for the petitioners does not press the alternative prayer in terms of Para 18.c. Accordingly the said prayer is

not dealt with while deciding the matter. With the consent of the parties, the matter is taken up for final hearing today.

2. What is challenged in the present Special Civil Application is the order passed by the Collector, Jamnagar in Case No. HKP-SUEREVI-4-2002-2003 dated 20th February 2004. In view of the fact that the petitioners have already challenged the order passed by the Collector, Jamnagar dated 20th February 2004 before the revisional authority and the same is pending, the prayer of the petitioners to quash and set aside the said order is not entertained at this stage. However, in view of the fact that the petitioners have already preferred an application for stay in the revision application in which the petitioner has challenged the order dated 20th February 2004 passed by the Collector and no order has been passed till date, the revisional authority, i.e., learned Special Secretary, Revenue Department (Appeals), is directed to decide and dispose of the application for stay submitted by the petitioner as early as possible and within the period of six weeks from the date of receipt of this order and till the stay application is decided, the ad-interim relief granted by this Court earlier on 3.5.2004 is directed to be continued and the same shall be continued for a further period of one week, if the order goes adverse to the petitioners. The learned Special Secretary, Revenue Department (Appeals) is directed to decide and dispose of the application for stay in accordance with law and strictly on merits without in any way being influenced by the fact that this Court has granted ad-interim relief and continued the same till final disposal of the application for stay.

The petition is allowed accordingly. Rule is made absolute to the aforesaid extent.

[M.R. Shah, J.]

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